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PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>		<b>Attorney Docket No.</b>	3620-071-01
		<b>First Inventor</b>	GUESS, Roy E.
		<b>Title</b>	CARPET USING UNUSED YARN
		<b>Express Mail Label No.</b>	EV147719058US

<b>APPLICATION ELEMENTS</b> <i>See MPEP chapter 600 concerning utility patent application contents.</i>		<b>ADDRESS TO:</b> Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
1. <input checked="" type="checkbox"/>	Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i>	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)	
2. <input type="checkbox"/>	Applicant claims small entity status. See 37 CFR 1.27.	8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i>	
3. <input checked="" type="checkbox"/>	Specification <i>(preferred arrangement set forth below)</i> - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure	[Total Pages] 20	a. <input type="checkbox"/> Computer Readable Form (CRF)
4. <input checked="" type="checkbox"/>	Drawing(s) (35 U.S.C. 113)	[Total Sheets] 8	b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper
5. <input type="checkbox"/>	Oath or Declaration	[Total Sheets]	c. <input type="checkbox"/> Statements verifying identity of above copies
a. <input type="checkbox"/>	Newly executed (original or copy)	9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))	
b. <input type="checkbox"/>	Copy from a prior application (37 CFR 1.63 (d)) <i>(for continuation/divisional with Box 18 completed)</i>	10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <i>(when there is an assignee)</i> <input type="checkbox"/> Power of Attorney	
i. <input type="checkbox"/>	<b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).	11. <input type="checkbox"/> English Translation Document (if applicable)	
6. <input type="checkbox"/>	Application Data Sheet. See 37 CFR 1.76	12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations	
13. <input type="checkbox"/> Preliminary Amendment			
14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i>			
15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i>			
16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.			
17. <input checked="" type="checkbox"/> Other: Petition Under § 1.84(a)(2) w/ 3 sets of color drawings 1a-1b			

18 If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

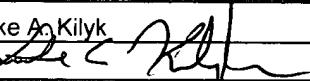
 Continuation     Divisional     Continuation-in-part (CIP)    of prior application No.: \_\_\_\_\_

Prior application information: Examiner \_\_\_\_\_ Group Art Unit: \_\_\_\_\_

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	33432		or	<input checked="" type="checkbox"/> Correspondence address below		
(Insert Customer No. or Attach bar code label here)						
Name	Luke A. Kilyk					
Address	Kilyk & Bowersox, P.L.L.C.					
	53 A East Lee Street					
City	Warrenton	State	VA	Zip Code	20186	
Country	USA	Telephone	1-540-428-1701		Fax	1-540-428-1720

Name (Print/type)	Luke A. Kilyk	Registration No. (Attorney/Agent)	33,251
Signature		Date	February 19, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: February 19, 2004 Label No. EV147719058 US. I hereby certify that, on the date indicated above, I deposited this paper with identified attachments and/or fee with the U.S. Postal Service and that it was addressed for delivery to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by "Express Mail Post Office to Addressee" service.

Donald Prater  
Name (Print) 021904  
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 7638 U.S.P.T.O.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant Claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$)**1,098.00**

Complete if Known	
Application Number	Unassigned
Filing Date	February 19, 2004
First Named Inventor	GUESS, Roy E.
Examiner Name	Unassigned
Art Unit	Unassigned
Attorney Docket No.	3620-071-01

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account

Deposit Account Number	50-0925
Deposit Account Name	Kilyk & Bowersox, P.L.L.C.

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1001	770	2001	385
1002	340	2002	170
1003	530	2003	265
1004	770	2004	385
1005	160	2005	80
<b>SUBTOTAL (1)</b>		<b>(\$)</b>	<b>770.00</b>

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Extra Claims		Fee from below	Fee Paid
		31	-20**=	11 X 18	= 198.00
2 - 3**=		0	X		=

Multiple Dependent

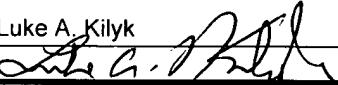
Large Entity	Small Entity	Fee Description
Fee Code	Fee (\$)	Fee Description
1202	18	2202 9 Claims in excess of 20
1201	86	2201 43 Independent claims in excess of 3
1203	290	2203 145 Multiple dependent claim, if not paid
1204	86	2204 43 **Reissue independent claims over original patent
1205	18	2205 9 **Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2)</b>		<b>(\$)</b> <b>198.00</b>

\*\* or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES		Fee Description		Fee Paid
Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code
1051	130	2051	65	Surcharge – late filing fee or oath
1052	50	2052	25	Surcharge – late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for ex parte reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	420	2252	210	Extension for reply within second month
1253	950	2253	475	Extension for reply within third month
1254	1,480	2254	740	Extension for reply within fourth month
1255	2,010	2255	1,005	Extension for reply within fifth month
1401	330	2401	165	Notice of Appeal
1402	330	2402	165	Filing a brief in support of an appeal
1403	290	2403	145	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive – unavoidable
1453	1,330	2453	665	Petition to revive – unintentional
1501	1,330	2501	665	Utility issue fee (or reissue)
1502	480	2502	240	Design issue fee
1503	640	2503	320	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))
1801	770	2801	385	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application
Other fee (specify)				
Reduced by Basic Filing Fee Paid				
<b>SUBTOTAL (3)</b>		<b>(\$)</b>	<b>130.00</b>	

## SUBMITTED BY

Complete if applicable

Name (Print/Type)	Luke A. Kilyk	Registration No. (Attorney/Agent)	33,251	Telephone	540-428-1701
Signature				Date	February 19, 2004

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Donald Prater  
 Name (Print)  


Date: February 19, 2004 Label No. EV147719058US I hereby certify that, on the date indicated above, I deposited this paper with identified attachments and/or fee with the U.S. Postal Service and that it was addressed for delivery to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by "Express Mail Post Office to Addressee" service.

Donald Prater  
Name (Print)

D.S. Prater

Signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: GUESS, Roy E. ) Examiner: Unassigned  
 )  
Application No.: Unassigned ) Group Art Unit: Unassigned  
 )  
Filed: February 19, 2004 ) Confirmation No.: Unassigned  
 )  
Docket No.: 3620-071-01 ) Customer No.: 33432  
 )  
For: CARPET USING UNUSED YARN

**PETITION UNDER 37 C.F.R. § 1.84(a)(2)**

02/25/2004 YPOLITE1 00000077 10782631

03 FC:1460

130.00 OP

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

February 19, 2004

Sir:

Applicant, by way of this petition requests that the United States Patent and Trademark Office accept the color drawings accompanying the above-described utility patent application filed on the same date as this petition. The color drawings are necessary because these drawings are the only practical medium by which to disclose certain aspects of the subject matter sought to be patented in the above-described utility patent application. In more detail, Figures 1A and 1B set forth a Munsell Hue Circle with Value Scale and Mannington Yarn Color Categories which are depicted in color due to the fact that each color denotes certain color category present in the carpet of the claimed invention. Since there is no practical way to convert these color drawings to black and white drawings, color drawings are the only practical medium by which to disclose this subject matter which relates to the present application since the present invention involves using this data in certain embodiments of the present invention.

Accordingly, the United States Patent and Trademark Office is respectfully requested to grant this petition. The U.S. Patent and Trademark Office is authorized to charge payment of the \$130.00 fee as set forth in 37 C.F.R. § 1.17(h) to Deposit Account No. 50-0925. Furthermore, three (3) sets of the color drawings which form part of the above-described application and a black and

Petition Under 37 C.F.R. § 1.84(a)(2)

white photocopy that accurately depicts, to the extent possible, the subject matter shown in the color drawing are attached to this petition. Finally, the specification already includes the necessary language under the section entitled "Brief Description of the Drawings" as required under 37 C.F.R. § 1.84(a)(2)(iv).

Accordingly, all requirements have been satisfied and the petition should be granted. Applicants would appreciate receiving notification of the granting of this petition.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925.

Respectfully submitted,



Luke A. Kilyk  
Reg. No. 33,251

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